

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

M.S. ACQUISITIONS & HOLDINGS, LLC;
and MEGA PHILADELPHIA, LLC,

Plaintiffs,

v.

VIGILANT INSURANCE COMPANY.,

Defendant.

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CIVIL ACTION NO.

2:21-CV-01217-GJP

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE PURSUANT TO
FED. R. CIV. P. 41**

IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rule of Civil Procedure 41(a)(1), by and between Plaintiffs M.S. Acquisitions & Holdings, LLC and Mega Philadelphia, LLC, and Defendant Vigilant Insurance Company, who have appeared in this action, that the action is hereby dismissed WITHOUT PREJUDICE. Plaintiffs further stipulate that, should they re-file this action or file any action involving, in whole or in part, Plaintiffs' insurance claim at issue in this lawsuit, Plaintiffs shall do so in the United States District Court for the Eastern District of Pennsylvania. The parties further stipulate that each will bear its own costs, attorney's fees, and expenses and neither party shall file a motion pursuant to Rule 54(d) in connection with this Stipulation. Notwithstanding the foregoing, this Stipulation shall not be construed to prevent a court from awarding costs, attorney's fees and expenses in any subsequent litigation.

SO STIPULATED AND AGREED:

Dated: October 22, 2021

by: /s/ Arthur R. Armstrong
Arthur R. Armstrong, Esq.

by: /s/ Eric D. Freed, Esq.
Eric D. Freed, Esq.

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